

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
May 24th, 2021**

Zoom – Virtual Public Meeting

VIRTUAL COUNCIL MEMBERS PRESENT:

Joseph Pilieri, Council President
Joseph Knowles, Council Vice President
Edward Kisselback, Council Secretary
Jesse Sloane, Council Member
Ed Tokmajian, Council Member

OTHER VIRTUAL PRESENCE BY:

Russell Benner, Township Engineer
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Principal Inspector
Joseph Pizzo, Township Solicitor

PLEASE NOTE:

Due to the COVID-19 pandemic and all of the orders and declarations from the Federal, State, and County governments, the Bensalem Township Council held its' regular monthly meeting as a virtual public meeting utilizing the Zoom Meetings platform.

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue.

1. PLEDGE OF ALLEGIANCE:

Council President Pilieri opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

Council President Pilieri announced after discussing with the Mayor and Administration the Council meetings, starting in June, will go live and in person. The Township will follow all of the State guidelines and the CDC guidelines for safety protocol. After meeting with the Mayor and working with the IT department the meetings are now being live-streamed.

Council President Pilieri asked **Solicitor Pizzo** if there were any changes to this evening's agenda. **Solicitor Pizzo** indicated he received an email from counsel representing Agenda Item #8, R and R Produce & Garden Center, indicating due to a conflict with their engineer they have asked if their hearing on their application could be tabled to a date certain of June 14th. **Council Member Tokmajian** motioned to table Agenda Item #8 to a date certain of June 14th, **Council Vice President Knowles** seconded and the motion carried 5-0.

2. **PUBLIC COMMENT:**

publiccomments@bensalempa.gov

Council President Pilieri indicated the Public Comment will be heard at the time the agenda item is heard.

3. **APPROVAL OF COUNCIL MINUTES:**

Council Member Sloane motioned to approve the Council Minutes, as corrected, from meeting date of April 24th, 2021, **Council Member Tokmajian** seconded and the motion carried 4-0-1.

4. **CONSIDERATION OF AN APPLICATION FOR CONDITIONAL USE FOR TELECOMMUNICATIONS FACILITY:**

Applicant:	New Cingular Wireless PCS, LLC d/b/a AT&T Mobility
Location:	Row Near 2356 Street Road
Proposed Use:	Telecommunications Facility
Zoning Classification:	G-C – General Commercial
Tax Parcel:	2-39-93

Solicitor Pizzo admitted into the meeting counsel for New Cingular, Alyson Fritzges. **Solicitor Pizzo** asked Solicitor Fritzges if she had any witnesses to be admitted into the meeting. Solicitor Fritzges indicated two witnesses were to be admitted, Shaun Paul, Paul Chan and Samantha Berman. **Solicitor Pizzo** asked Solicitor Fritzges for Mr. Paul, Mr. Chan and Solicitor Berman's title and/or expertise. Solicitor Fritzges indicated Samantha Berman is the Site Acquisition Consultant for Jacobs Engineering who is a site vendor for AT&T. Mr. Shaun Paul is the Radio Frequency Design expert and Mr. Paul Chan is the Civil Engineer. **Solicitor Pizzo** swore-in the witnesses.

Solicitor Pizzo asked Solicitor Fritzges to please explain to the Board what she is doing and what relief she is seeking. Solicitor Fritzges is asking for a Conditional Use for a small cell installation within the public right-of-way near the address of 2356 Street Road. The application is different from a normal tower application and the Township's Ordinance, right now, doesn't speak to these small cells it only speaks to towers. These towers are permitted by Conditional Use in this district and they are just doing something smaller and believe to be better than the big towers. The applicant would like to replace the existing Verizon light pole with a new utility pole and will be extending it ten feet from its original state with an additional 2 inches for the antenna on top. The overall height of the new pole will be 45 feet and there will be an additional shroud on the side where all of the equipment will be housed.

Solicitor Fritzges explained in detail what each witness will be testifying to in regards to their expertise. **Council Secretary Kisselback** asked if this is a newer concept as far as telecommunications. Solicitor Fritzges responded it is a newer concept and we have been seeing these in the last five years and they are becoming more prevalent especially in residential areas. **Council Secretary Kisselback** asked if these poles will be replacing the larger towers or is this an adjunct to it. Solicitor Fritzges indicated this is going to work with the larger tower and would help to provide the service but would not eliminate the need for one of the existing towers.

Council President Pilieri asked if this is just for AT&T or will it be shared with other carriers. Solicitor Fritzges indicated it would just be for AT&T, but indicated, as Mr. Chan will testify to, there will be the ability to collocate however they do not usually see that happen because the providers would have to be below where their antennas are located, so that height usually does not work for them. **Council President Pilieri** indicated every carrier is going to want to place these kinds of poles in the Township and our neighborhoods are going to be overrun with these towers.

Solicitor Fritzges proceeded with her first witness, Shaun Paul who is a consultant and provides his services to different carries including AT&T and has been in the industry for 21 years. Mr. Paul provided an extensive background of his expertise. Solicitor Fritzges asked Solicitor Pizzo to have Mr. Paul qualified as a Radio Frequency Design expert. Solicitor Pizzo indicated Mr. Paul would be accepted as such.

Mr. Paul explained the first graph presented on the screen which was referred to as “Exhibit A” consisting of 5 pages and explained in detail what each display represented. **Council President Pilieri** asked if any of the articles being presented were sent to Council. Solicitor Fritzges indicated the documents were sent via email to Ms. Lauren Gallagher, Mr. Pizzo and Ms. McBreen. **Council Member Tokmajian** indicated to **Council President Pilieri** the information was received, via email, on Friday, May 21st, around 3:30 P.M.. **Council Member Sloane** and **Council Vice President Knowles** acknowledged receipt of the email as well. Solicitor Fritzges wanted Council to be aware the information was also sent via email last month for Council’s review.

Solicitor Pizzo asked Council if they had any questions in regards to what Mr. Paul has testified to so far. **Council Member Sloane** asked why this particular location and indicated there has been a proposal for a tower in this area in the past, one that was not well engineered or alternatives were not well desired or determined ahead of time. Mr. Paul explained, not only is it physically smaller in size, but the area of coverage is smaller. These small cells operate at a reduced transmit power in comparison to what is referred to as the macro-facility which are the AT&T facilities that have been around for 10 years located on roof tops, water towers, etc. The reason for the location is driven by the need.

Solicitor Pizzo indicated the before and after maps have a variety of colors but no “color key” and asked what the colors indicated. Mr. Paul indicated the gray area was being serviced by the Stanwood Tower and each of the colors correlate to a specific sector of each one of the facilities. **Solicitor Pizzo** indicated going back to the before coverage map, the area that surrounds the proposed location does in fact have coverage. It is either being provided by the brown sector coming out of the Dunksferry Tower or the gray area coming out of the Stanwood

Tower and to some extent, by the brown area coming out of the third tower shown on the Propagation Map. In some cases, there's overlap among and between those three antennas in terms of the area that is being provided coverage and asked if he was correct in that assumption. **Mr. Paul** indicated Solicitor Pizzo was correct.

Solicitor Pizzo indicated, just to be clear, the gray area doesn't represent these are areas where there is no coverage, to the contrary, all of the colored areas being shown on the map are currently being provided coverage by one of those three antennas. **Mr. Paul** said that is correct and indicated in a congested wireless network, where the surrounding facilities have reached their exhaust, it would essentially be the equivalency of not having coverage.

Solicitor Pizzo indicated this exhibit does not show the areas that are capacity starved or capacity exhausted, what the area is showing is right now three towers are providing coverage to this area and when you add the small cell, located on the next exhibit, now you have overlapped the area with the purple area that will be providing additional coverage not coverage where there is not already an area.

Solicitor Pizzo indicated he understood what Mr. Paul was saying but did not believe this exhibit shows the underlying premise that the purple area is otherwise capacity starved or a capacity exhausted area.

Mr. Paul indicated that was correct and his testimony would be the area where the proposed facility is located is currently approaching a capacity exhaust. These maps are being presented simply to better illustrate to the board that a proposed facility will be a dominate server in an area that is heavily congested in terms of subscribers.

Solicitor Pizzo indicated inasmuch as Exhibit A7 doesn't demonstrate it, and asked Mr. Paul if he had, other than his testimony, a copy of a report or a study, if he had an analysis, or an exhibit, a map that shows the purple area, Exhibit A7, is in fact a capacity starved or a capacity exhausted area.

Mr. Paul indicated there was no way to truly represent that because AT&T is not able to show the specific customers location respective to their experience especially in cases where customers are unable to gain access to the network. However, AT&T does collect data in terms of the performance for each one of the sectors mentioned and are able to determine when the heaviest levels of congestion are occurring.

Solicitor Pizzo indicated the underlying data that deals with the coverage limitations and coverage exhaust, and if Solicitor Pizzo was to understand Mr. Paul's testimonial, it is largely colloquial, it is not quantifiable, it is done off of AT&T customer complaints.

Mr. Paul indicated what Solicitor Pizzo stated would be a fair statement.

Solicitor Pizzo asked if there is an analysis that AT&T has made to make the initial determination that this area is at its capacity and requires additional capacity. Is there some analysis that has been performed that is a part of the exhibits or a part of the testimony the Council is going to hear this evening, other than AT&T did it?

Mr. Paul stated there will be no exhibits presented this evening that represents the information simply because the data that is used in making the decisions of adding additional facilities is multiple data sources and points and is hard to quantify and represent on a map.

Solicitor Pizzo stated what Council has this evening is Mr. Paul's opinion, there is no statistical data, no forecasting data, there are no reports or analysis or summaries that were done by anyone within AT&T. The Council has your testimony based on Mr. Paul's review on that data as well as Mr. Paul's knowledge and expertise within the field.

Mr. Paul indicated Solicitor Pizzo is correct regarding his statement.

Council President Pilieri indicated if AT&T says so, then Council is supposed to believe that without seeing any of the data. Every other mobile carrier is going to want the same thing so by the time it is all done there will be a multitude of poles throughout the neighborhoods in the Township. Council needs to have all of the information regarding the presentation for Council to make the proper decision.

Solicitor Pizzo indicated the propagation maps that were provided, as was asked of Mr. Paul earlier, traditionally when the Township in the Conditional Use hearing for a new cell tower would be provided propagation maps that would show the before and after coverage; and typically that would show these are areas that are not being served or have poor coverage and with the installation and operation of the new tower, here's the new map that shows how the coverage would be improved. As Council went through Mr. Paul's testimony this map does not provide this information. This map shows that there is currently coverage, this is the area the new cell tower will provide the enhanced coverage to but it is not telling Council the underlying premise for this installation which is we have an area which is not being served. We have an area in this case, where the case of the small cell that is being overwhelmed. The before and after of this exhibit is "putting the rabbit in the hat", it is saying okay when we build the new cell here's this purple area but the Council is not being given the underlying data that creates the premise of, there is a systemic, a capacity stress, a capacity starved, a capacity exhausted, whatever the proper term is, area to begin with. Council is being asked to act purely on testimony. This is the concern Council President Pilieri is expressing the exhibits before Council don't demonstrate the underlying need, at least at this point, so far in the presentation. Council has Mr. Paul's testimony that there is a need but nothing beyond that from AT&T to demonstrate it.

Solicitor Pizzo indicated Mr. Paul mentioned earlier that this would be a co-location. It is not going to be a co-location in the sense there will be two cellular carriers, correct? Or will there be a second cellular carrier on this pole.

Solicitor Fritzges indicated, as of right now, there is no new cell carrier proposed on this pole. With the reference of co-location, they mean co-locating with the utility.

Solicitor Pizzo indicated Solicitor Fritzges just used a phrase that as an attorney gave Solicitor Pizzo pause, which is, "as of right now."

Solicitor Pizzo asked is this site capable of being expanded to take on a second cellular carrier as well as the public utilities?

Solicitor Fritzges indicated should could get Mr. Chan to testify it could, but yes it could structurally.

Council Member Sloane indicated it sounds like the problem is there is insufficient capacity with the handle of peak volumes and asked Mr. Paul to explain that because Council Member Sloane feels this is where things are getting lost in translation. Mr. Paul has been accepted as an expert witness by the board and Council takes Mr. Paul's testimony very seriously and with all due correct and is hoping Mr. Paul can help to enlighten and educate everybody on exactly how to determine there is insufficient capacity at these peak volumes. Again, it's not that there is no coverage, that doesn't necessarily seem to be the issue at hand here, it's that the existing coverage does not have sufficient capacity to handle the volume of traffic.

Mr. Paul indicated that was correct and the contributing factors that would go into play in respect to how AT&T or any wireless carrier ends up in this situation is the frequencies are licensed by the FCC and AT&T holds those licenses and the frequencies are limited in terms of the amount of frequencies. Three components contribute to exhausting a wireless network. One is the demand, the other is the spectrum and then there is the physical equipment. AT&T has exhausted all of their facilities in this area. AT&T is obligated to provide reliable coverage.

Council Member Sloane asked Mr. Paul if he agreed it is kind of a symptom of the evolution of this technology such that the memory and capacity need has been growing exponentially.

Mr. Paul agreed and continued to say, speculatively speaking if the trend continues as it has, the growth will be exponential.

Council Secretary Kisselback indicated all the things Mr. Paul is telling Council has led to a lack of service which Mr. Paul is suggesting that be the case. There has to be some type of criteria AT&T has used or intends to use to provide that information regarding needing more coverage, you just can't speculate. What is the determination that was used?

Mr. Paul indicated he could work with the Capacity Engineers at AT&T. In Mr. Paul's past experiences, a histogram has been provided showing the trends of the available spectrum versus the demand during the balancing busy hours. That chart would simply show the demand based upon the usage and would show the frequencies available. If this is something the board would be interested in Mr. Paul could work with the Capacity Engineers from AT&T to have that created.

Solicitor Fritzges stressed to the board that it is not just because AT&T said so, Mr. Paul has reviewed documentation from AT&T and asked Mr. Paul, in his expert opinion, if there is a capacity issue in this area.

Mr. Paul responded, yes, that is correct.

Solicitor Fritzges asked Mr. Paul if it is limiting AT&T to supply reliable service to its customers.

Mr. Paul responded, yes, that is correct.

Council President Pilieri asked Solicitor Fritzges in regards to everything she just asked Mr. Paul, where is the information telling Council where the capacity is lacking and why are those areas needed if there is already coverage in those areas. Shouldn't Council be allowed to see that information. Council wants the community to have the coverage needed but the Township also does not need a war with poles every ten feet from different companies wind up not fulfilling their purpose for the people of the Township. There are no numbers to go by and to rely on someone's opinion in regards to their testimony. There are no facts and figures in front of Council letting them know where it is now and where it will be once the new service is supplied.

Solicitor Fritzges indicated you are getting an expert opinion from someone who viewed all of the documentation and here is where the issue is. You're not hearing because AT&T says its true, Mr. Paul has reviewed all of the documentation and in Mr. Paul's expert opinion there is an issue.

Solicitor Pizzo indicated to Solicitor Fritzes, with all due respect, the expert is to help the laypeople to understand the information he has reviewed but the Council should still have the ability to see, touch, review the information. The role of the expert is to then take the quantifiable information and offer an opinion to the board as to what that data means and the capacity in this area is exhausted. It is not simply the role of the expert to come in and say "it is my opinion we need this" without at least giving the board a basis on that opinion. That is the part of the equation that is missing in this presentation and application.

Council Vice President Knowles indicated to Mr. Paul the area where they are trying to put the pole, as Mr. Sloane indicated, is an area that has a lot of usage, there is a lot of capacity in that area for demand but also seems to be where all three towers meet. Is it because it is on the outskirts of those three towers that needs extra power?

Mr. Paul responded yes, that is one of the many driving factors that are evaluated during the determination where the site needs to be located in terms to proximity to densely populated areas if its residential, or in this case commercial, retail, etc. Ultimately having a dominant server in close proximity to where the largest volume of traffic is produced is ultimately a solution that will elevate the capacity for the surrounding sites.

Council Secretary Kisselback asked the applicant if they thought it would be prudent for them to withdraw this proposal at this time, reschedule it and come back with the information for Council to review.

Solicitor Fritzges had an opportunity to speak to her client and the suggestion from Council Secretary Kisselback is what the client would like to propose to do.

Solicitor Pizzo indicated he was supplied, prior to this evenings hearing, copies of their notices to adjacent property owners notifying them of this evenings Conditional Use hearing together with the proofs of mailing. Exhibit A2 for this hearing is the affidavit of notice to the adjacent properties and inasmuch as that notice was provided and inasmuch as this hearing has been convened, there will be no need for AT&T and Solicitor Fritzges to provide subsequent notice to those property owners.

Council Secretary Kisselback motioned to reschedule to a date certain of the first meeting in June which is June 14th and the applicant will provide Council with the information that was requested. **Council Vice President Knowles** seconded and the motion carried 5-0.

5. **CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT/SUBDIVISION:**

Applicant: Costa Homes
Location: 4946 Neshaminy Boulevard
Proposed Use: (4) Single Family Dwellings
Zoning Classification: R-A-1 Residential District
Tax Parcel: 2-19-197

Solicitor Pizzo admitted Solicitor Meginniss into the virtual meeting. Solicitor Meginniss indicated he had two witnesses, Mr. Larry Young with Tri-State Engineers and Mr. Al Costa. Solicitor Pizzo indicated before Solicitor Meginniss's presentation the record is to reflect Solicitor Meginniss has provided the Township his Certificate of Service together with his copies of the notices of this evenings hearing mailed to the adjacent property owners and the proofs of service, all of which appear to be in order.

Solicitor Meginniss, indicated on behalf of Costa Homes, before Council is a Subdivision Land Development submission which is contemporaneous. The applicant has been working with the Township professionals, specifically Mr. Larry Young from Tri-State Engineers who has been working and revising the plan in an attempt to eliminate the applicant's waiver requests, and as a result the plan resubmissions, T and M issued a new letter in April and there were very few comments left. All of the outstanding comments, the solicitor stated, are will comply items other than the single waiver requesting Council grant a preliminary final approval simultaneously. The waiver request is from Section 201-43 C5. With respect to the project itself, the applicant is attempting to receive approval to create a 4-lot subdivision with the associated improvements. The total lot size is presently approximately 1.83 acres. The 4 lots that the applicant will be creating range from 16,117 sq. ft. on the low end, to 21,634 sq. ft. on the high end. Presently, there is one single family detached dwelling with an attached garage, which is going to remain. The applicant will be in conjunction with the present dwelling creating 3 additional lots and all of those lots would be improved with 3 single family detached dwellings.

Council Member Tokmajian indicated, in regards to the letter from TPD (Traffic Planning & Design), is the applicant a will comply with those items: 5-foot sidewalks, ramp access as well as the suggestion for the placement of the street lights.

Solicitor Meginniss indicated, everything in the TPD letter, as Mr. Benner's last letter noted, the last correspondence with TPD was an email on April 16th and has identified everything as a will comply.

Council Secretary Kisselback asked Solicitor Pizzo regarding Section D-201-Subdivision and Land Development Ordinance (SLDO), number 12 Section 201-103c(2)b, should the Council of Bensalem Township, in the exercise of its sole discretion determine that the purposes of the Bensalem Township recreation plan will be better served by the Township's acceptance of fees in lieu of dedication of land, the Township may require a contribution for recreational purposes

in the amount of \$2,000.00 for each residential lot or dwelling unit in the proposed subdivision of land development. Would it be 3 dwellings or because of the existing dwelling would it be considered 4.

Solicitor Pizzo indicated typically, it is his understanding, the Township interprets that division of the ordinance apply to the newly created lots. Where you have a single lot that is being subdivided into 4, as is the case before Council this evening, the Township would assess the recreation fee on the 3 newly created lots. Each one would be assessed that fee in lieu of providing the required recreation space.

Council Secretary Kisselback asked Solicitor Pizzo if this would also be the case for the impact fee.

Solicitor Pizzo replied, yes.

Council Secretary Kisselback indicated there has been no impact determined as of yet, correct?

Solicitor Pizzo stated the impact fee was calculated back by TPD in the Fall of 2020 and does not believe the number has changed. It has been determined it would generate 3 new trips in the PM peak hour. Total impact fee of \$2,972.97.

Council Secretary Kisselback asked Solicitor Meginniss if the applicant was willing to pay the recreation fee and impact fee.

Solicitor Meginniss indicated the applicant would pay those fees.

Council Member Sloane indicated Council agreed to have the Public Comments read this evening and asked for the Public Comments from the last meeting to be read into the record.

Solicitor Pizzo indicated the following Public Comments were submitted. These comments can be heard in their entirety at the following websites:

www.bensalempa.gov or www.youtube.com

Below are the correspondents and a short synopsis of their email:

Nathaniel and Kelly Wolak, 4922 Neshaminy Blvd., indicated they would like the Council to reject the project for the 4 homes which would have a major impact on the use, value and overall esthetics of their home and the existing properties around the development.

Andrew Niczewski, 4939 Neshaminy Blvd., is requesting the postponement of the Final Land Development and indicated the Township website had nothing to view on the matter, but the plans.

Council Secretary Kisselback asked Solicitor Pizzo, in regards to the first comment, if a variance was granted by the Zoning Hearing Board to allow 4 homes to be built on this property. Solicitor Pizzo deferred to Solicitor Meginniss who indicated it was granted previously by the Zoning Hearing Board.

Solicitor Pizzo indicated, prior to and during the April 26th meeting, received a Public Comment from Nathaniel and Kelly Wolak and it is the same Public Comment as this evening.

Andrew Niczewski, 4939 Neshaminy Blvd., comment from the April 26th meeting indicated he is opposed to a 4-lot subdivision, 3 lots would be more in character for this neighborhood. Traffic is a major concern along with the off-street parking.

Solicitor Pizzo indicated 3 emails were received on April 26th from Paul Barnes, 4948 Hillside Ave., first email indicated this item should be tabled for all citizens so they are able to comment. I do not have cable television so I am unable to watch the meeting in real time. Second email indicated he went on the Township website on Friday, around noon, and saw 21 pages regarding the agenda item, but no plans to view, so this agenda item should be tabled for all citizens to view. The third email is a resend of the first email received on April 26th.

Solicitor Pizzo indicated no other comments have been received regarding this agenda item.

Council Member Sloane indicated 4 homes is a bit crowded on this property and believes 3 subdivided lots makes a lot more sense, especially since lot 4 is the smallest of the 3. The plans do not seem to adhere to the RA-1 zoning district, which, per the Township Ordinance, is to provide an adequate buffer between each RA-1 community and the surrounding districts. It becomes a crowded and dense environment that was not intended for in the RA-1, so it seems completely in contrast in the goals of the RA-1 community. This lot size is not conducive to 4 houses on the property.

Council Vice President Knowles indicated if you went to 3 lots you eliminate lot 4 and still have lot 1 which is between the existing structure and the house. You would eliminate the smaller lot which is actually on the other end next to open space or the school and the street.

Council Member Tokmajian indicated some of the comments related to impervious space is something we are seeing across this Township where they are building based off a smaller lot size, then what happens if there is a deck, patio, pool or shed built and you can very well create more problems down the road in terms of water management. Neshaminy is on the higher side so there will be an increase in impervious space and the water will flow down into the Hillside Ave. neighborhood.

Council Member Knowles indicated the people who purchase those homes will not be allowed to just put whatever they want on their property, they will have to get permits and asked the Township Engineer, Mr. Benner, for the explanation regarding the water from any of those lots flowing into the neighborhood.

Mr. Benner indicated the process that was undertaken when the Planning Commission meeting was held in September, to where we are this evening, the focus was on stormwater management as far as the plans go and revising the plans. The Township Engineer, as one who reviews permits, the Township certainly evaluates the stormwater management facilities that are on the property to make sure they are not impacted. If they are over a thousand square feet of additional impervious coverage added, any applicant has to submit stormwater plans for the Township's review. The one thing that should be noted for the design on page 4 of the T & M Review Letter there is a table and the reason to include this is to try and point out there is a significant decrease between pre and post development run-off from each one of these

properties. This is a result of requiring the applicant to have two stormwater management facilities per property and that includes the existing house as well.

Council Vice President Kisselback indicated the applicant is complying with all of the waivers they had requested, there are no waivers Council would have to grant, and it is not causing any additional problems whatsoever regarding the subdivision and land development. Plus, the applicant, as far as what Solicitor Meginniss indicated earlier, there were other waivers they were going to request and requirements that they would also adhere to.

Council President Pilieri asked the Township Engineer, Mr. Benner, if there were any zoning issues.

Mr. Benner indicated there were no issues because of the variances granted by the Zoning Hearing Board.

Council Secretary Kisselback motioned to approve the Preliminary and Final Subdivision for Costa Homes, 4946 Neshaminy Blvd. Regarding the T & M letter dated April 21st the applicant will comply with A, B, C and D, there are no zoning issues, they were granted any variances they were needed; and there are no waivers being requested. **Council Vice President Knowles** seconded and the vote carried 3-2.

6. **CONSIDERATION OF A RESOLUTION FOR 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS 4946 NESHAMINY BOULEVARD SUBDIVISION:**

Solicitor Pizzo indicated the Pennsylvania Department of Environmental Protection Act 537 Resolution for the sanitary sewer facilities for the Costa subdivision which was just approved by Council in the prior item. As Council is aware this is a routine matter that is required by the Department of Environmental Protection whenever the Township approves a subdivision or land development. It is a certification that the changes that were just approved by the Township will result in the changes to the Townships sanitary sewer plan for the Township and the Township is making the Department of Environmental Protection aware of the fact that the changes are approved by the Township and in concert with the previously approved land development. This is the same Resolution provided by the Pennsylvania Department of Environmental Protection for these matters, it has been reviewed by the Solicitor's office and the Township Engineer and is in a form acceptable for Councils consideration and approval.

Council Secretary Kisselback motioned to approve as presented, Council Vice President Knowles seconded and the motion carried 5-0.

7. **CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:**

Applicant:	La Azteca, Inc. (Cruz)
Location:	Street Road & Castle Drive
Proposed Use:	Retail
Zoning Classification:	GC - General Commercial
Tax Parcel:	2-37-39 & 2-37-40

Solicitor Pizzo admitted Mr. Dumack into the meeting who represents the applicant, La Azteca, Inc. in regards to the final land development plan. This application had been previously scheduled at a prior Council meeting at which time it was tabled to a date certain of this evening so the notices were in order and remain in order and asked Mr. Dumack to proceed for the applicant. Solicitor Pizzo noted the applicant had a conflict and would not be joining the meeting this evening.

Mr. Dumack indicated he had sent his clients the link for the Zoom meeting, but had not heard from them but did indicate they were out of town and believes they went on vacation to Florida. Mr. Dumack suggested to proceed and see how it progresses and hopefully this can be reviewed and approved this evening.

Council President Pilieri indicated there were no witnesses or attorneys present so any questions Council might have for the applicant Council will not be able to ask them and get answers and asked Mr. Dumack if he wanted to proceed and noted he was taking quite a risk without the board being able to ask any questions of the applicant.

Mr. Dumack replied he would rather wait for all representation and asked for the item to be tabled to a later date.

Solicitor Pizzo indicated while the plan is a reaffirmation, as Mr. Dumack suggest, there are some engineering questions that have cropped up between 2015 and this evening, particularly in the area of stormwater management and perhaps traffic access to the site and it may be useful to have Mr. and/or Mrs. Cruz available to speak as to what their plans, what their vision, what their need is for the building they intend to have on the property. A continuance to the June 14th meeting is not a bad idea.

Council Member Sloane motioned to table the item until the June 14th meeting, **Council Member Tokmajian** seconded and the motion carried 5-0.

8. CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:

Applicant:	Raymond Richardson (R & R Produce & Garden Center)
Location:	1215 Bristol Pike
Proposed Use:	Commercial Produce and Garden Center
Zoning Classification:	GC _ General Commercial
Tax Parcel:	2-29-422

This matter was tabled by a prior motion to a date certain of June 4th, 2021.

9. CONSIDERATION OF A RESOLUTION FOR 537, PA SEWAGE FACILITIES ACT, PLAN REVISION FOR NEW LAND DEVELOPMENT OF A PARCEL OF LAND IDENTIFIED AS RIVER’S EDGE AT PEN RYN:

Solicitor Pizzo indicated everything he said about the Act 537 Resolution for the Costa 4 lot subdivision would apply to the Act 537 Resolution for the River’s Edge at the Pen Ryn Estates.

The Resolution has been reviewed by the Solicitor's office and the Township Engineer, and is in a form acceptable for Council's consideration and approval.

Council Member Tokmajian motioned to approve the Act 537 Resolution for the River's Edge at Pen Ryn Estates, **Council Vice President Knowles** seconded and the motion carried 5-0.

10. CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING CHAPTER 225 "VEHICLES AND TRAFFIC" ARTICLE II – TRAFFIC REGULATION, SECTION 6, APPENDIX A SHALL BE AMENDED TO ADD THE FOLLOWING RESTRICTIONS:

No Parking, No Stopping, No Standing, Anytime	Direction of Travel	Location
Clinton Avenue	Eastbound	from Mitchell Avenue to Cedar Avenue

Solicitor Pizzo indicated the Mayor's office received a complaint about the trucks and cars parking along the roadway along the eastside of Clinton Avenue in the area of Mitchell Avenue and Cedar Avenue. Accordingly, the Mayor had the Traffic Safety Officer go out and perform a Traffic Safety Study. The determinations by the Traffic Safety Officer and the Traffic Safety Supervisor were that vehicles are, in fact, parking on both sides of the roadway and as such are causing operators to have a difficult time making turns from Mitchell Avenue onto Clinton Avenue. Similarly, it was their determination the Fire Department would be unable to make a turn with a firetruck if cars are parked on both sides of the roadway. Accordingly, a recommendation came to the Administration and in turn the Mayor directed the Solicitors office to prepare an Ordinance that would provide for no parking, no stopping, no standing signs to be placed on the eastside of Clinton Avenue from Mitchell Avenue to Cedar Avenue. In order for those signs to be posted it does require an amendment to the Township's Traffic Regulations as part of the Township Code. The proposed form of Ordinance has been provided to Council, it has been advertised as required in the Bucks County Courier Times. The Ordinance is in a form for consideration and approval.

Council Member Sloane motioned to approve as presented, Council Member Tokmajian seconded and the motion carried 5-0.

11. CONSIDERATION OF ESCROW RELEASES FOR:

A. Developers Request:	Bensalem MZL, LLC – Release #1
Location:	1837 Street Road
Tax Parcel:	2-43-305 and 2-43-305-1
Amount:	\$ 136,065.00

Engineer Benner indicated this is the first escrow release for the K-Mart redevelopment site. An inspection was conducted based upon the request and found the items to be in order and is requesting a release of \$136,065.00 of the escrowed items.

Council Secretary Kisselback motioned to accept as presented, **Council Member Tokmajian** seconded, **Council President Pilieri** indicated it would be subject to an audit by the Finance department, and the motion carried 5-0.

B. Developers Request:	Galloway Reserve - Release #1 – Revised (AKA Victory Square)
Location:	2670 Galloway Road
Tax Parcel:	2-33-7
Amount:	\$ 890,672.55

Engineer Benner indicated this escrow release was before Council a couple of months ago. This is escrow release #1. The developer essentially requested \$922,856.55. After conducting the inspection, the Engineer found the appropriate escrow release amount to be \$890,672.55. There is some additional work that needs to be done, and some of those items being requested, it was decided to hold back the additional monies that was originally requested.

Council President Pilieri asked where the Township stood with all the complaints the Township had from the residents the last time Council was looking at this release. Engineer Benner indicated Quinton Nearon, Township Principal Inspector, will provide the update. Mr. Nearon indicated the biggest complaint was the “tot lot” which has been installed. Eighty percent of the grading that was complained about has been addressed. The on lot draining issues have been addressed and everything is draining properly. Mr. Benner asked, of the items that could be completed, how much of a percentage-wise would Mr. Nearon estimate was completed. Mr. Nearon responded 85%.

Council Vice President Knowles asked Mr. Nearon if the \$260,000 was enough to ensure the rest of the items to be completed.

Council Member Tokmajian asked if those items were listed on the list for Council.

Mr. Nearon indicated regarding the grading issues and complaints, money was held back to get those items corrected.

Member Tokmajian asked Mr. Nearon if the detention basin was fully functional.

Mr. Nearon indicated the detention basin was completed, per the plan. Mr. Nearon believes the only thing they are waiting for now, is the stabilization.

Mr. Benner indicated the Council Clerk, Debbie McBreen, sent a supplement early this morning regarding one of the pages that was not included in the Council’s packet. That page included grading and shows there is monies remaining and did not release all of that item.

Council Member Sloane indicated the note regarding the signage and the work not being completed but was released 80%. Does this mean it has only been partially completed?

Mr. Nearon indicated the Street Signs and Stop Signs have been completed. The No Parking Signs still have to be added to the development.

any additional information. Mr. Nearon could not supply any information due to his lack of involvement with this property.

Solicitor Pizzo indicated the Director of Building and Planning sent an email to him informing him that New Castle has a temporary U & O for their new facility on State Road. That temporary U & O does not become a permanent U & O and in fact can be revoked until and if the facility, that is the subject of the letter from Mr. and Mrs. Grace, the property at 850 Highland Avenue and 863 Bristol Pike, until Andalusia Supply is completely out of there. As the Township Engineer suggested, the Township has been told that no new product is being delivered to 863 Bristol Pike location. Mr. Farrall indicated they are supposed to be fully operational at the State Road location by now. The clean-up of the Bristol Pike site is to begin after they became fully operational at State Road. Mr. Farrall indicated, to his knowledge, all products are now being sold out of the State Road site and no products are being sold out of the Highland Avenue site. Mr., Farrall is supposed to be in contact with Jeff Roth, tomorrow, at which point he is supposed to get an update as to the status of the move into the State Road site to discuss the transition of the discussion of the U & O from temporary to permanent at that site and to get an ETA on the cleanup and final move out from the Highland Avenue site. Things are in the works and it has been a long time for the residents in that neighborhood, the Solicitor has not been involved in it as much as Administration and does know it has been a long process. It seems things are getting close to the finish line. The Mayor has been on top of Mr. Farrall to get this across the finish line and hopefully we are almost there.

Council Member Tokmajian asked if there was a better timeline.

Council President Pilieri asked the Township Engineer, Mr. Benner, to tell Ken to give a report to Council to let them know exactly where we are and what the dates and so forth and then it can be relayed to all of Council.

In addition to Engineer Benner, obviously making Mr. Farrall aware, the Solicitor will notify the Mayor as well and will make sure Mr. & Mrs. Grace get an update from either Mr. Farrall or the Mayor in the next couple of days.

13. **OTHER BUSINESS:**

Council Member Tokmajian sends his condolences to the Mayor. And asked if the Building and Planning Department was still behind in terms of workload and asked Engineer Benner and Principal Inspector Nearon to fill Council in on the workload situation. Engineer Benner indicated 3-4 weeks ago there was a lot of permit activity. Principal Inspector Nearon and Engineer Benner have both been working on the permits and stated they were maybe a week behind, if that. Engineer Benner stated there are only 10 – 12 permits in the queue for May. Engineer Benner indicated the permit activity has been incredible. In the past 3-4 weeks, alone, they have processed at least 150 permits.

Council Member Tokmajian stated the ETA that is being communicated is still 3-4 weeks out plus, and recognizes the Township is trying to supply some type of buffer. His point is they need to think about bringing in temporary help. Engineer Benner indicated the Township hired a new clerk, which now, they have an additional clerk to help process paperwork.

Council Member Sloane sends his condolences to the Mayor on the loss of his son. Council Member Sloane is looking forward to seeing everyone in Council Chambers next month and is excited the Council meetings are now “live streaming”, then wished everyone a happy and safe Memorial Day. Mentioned the Memorial Parade in Andalusia along Route 13, and asked everyone to take a moment and reflect the true meaning of this holiday is to honor military personnel who died in the line of duty.

Council Vice President Knowles sent the Mayor and his entire family his condolences on the loss of his son and will keep them in his prayers. Looking forward to the Memorial Day parade. Thanked the Mayor and Administration for getting the new flag holders and installing the flags on the gas lamps along the parade route. With respect to the holiday, please honor all the heroes who have given up their lives for our country. Be safe, enjoy the holiday and excited the next Council meeting will be in person.

Council Secretary Kisselback indicated, as many of you know, he had lost his wife, Kathy, who had succumbed to cancer. The sympathy and condolences that were expressed to Council Secretary Kisselback and his family were greatly appreciated and thanked everyone for helping him get through his loss. Please keep the Mayor and Mary DiGirolamo in your prayers as our children should be burying their parents, not the parents burying their children and would like to express his deepest sympathy during this tragic time. On Monday, at 10:00 A.M. the Memorial Day parade will commence down Bristol Pike. Memorial Day is the time to express our deepest sympathy to those families who have lost a loved one in the military. God Bless.

Solicitor Pizzo indicated he could only echo all of the sentiments that Council has expressed and condolences to the Mayor and Mary on the passing of their son Joe. It has hit them both very hard, please keep them in your prayers. Along with the announcement of the Memorial Day parade, also another event that will start before the next Council meeting is the start of the Summer Concert Series at the Penn Community Bank Amphitheater. With the relaxing of restrictions, tickets are now being sold online and will also be sold on the evening of the concert at the ticket offices located on the grounds of the Amphitheater. The first concert will be Wednesday, June 2nd, which is a 70’s Flashback. All of the information regarding the concerts can be found on the Township website www.bensalempa.gov and on the Township Facebook page. The Mayor also had the opportunity to announce, between the last Council meeting and tonight, the Township Fall Festival, Celebrate Community Pride will return in the Fall at its regularly scheduled date of the first Saturday in October. Next meeting is June 14th which is Flag Day and is a holiday that is not acknowledged as much as others but is an important holiday as well.

Council President Pilieri expressed his condolences to the Mayor and Mary on their loss and indicated one of the hardest things he could imagine is burying one’s child and please keep the family in your prayers. The Township is starting to get back to normal with the Summer Concert Series and the Fall Festival preparations and opening up the Council meetings to the public which has been long overdue. The next meeting is scheduled for June 14th.

All remarks can be heard in their entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

14. **ADJOURNMENT:**

There being no other business to discuss, **Council Member Tokmajian** motioned to adjourn, **Council Vice President Knowles** seconded, the meeting was adjourned.

The Bensalem Township Council Meeting of May 24th, 2021 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

Debra F. McBreen
Recording Secretary